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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/731,823

Filing Date: December 09, 2003

Appellant(s): ESTRADA ET AL.

Steven M. Greenberg
Reg. 44,725
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/6/2008 appealing from the Office action mailed 5/2/2008.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal, is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Hatscher et al. (US 2004/0122693 A1)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 8, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Hatscher et al. (US 2004/0122693 A1).

3. As per **independent Claims 1, 8, and 15**, Hatscher discloses a method for managing membership in a collaborative computing environment community (Abstract), the method comprising: receiving identification of a selected group of end user persons to invite to join the collaborative computing community; evaluating the selected group to

identify one or more invitees there from (Fig.7A-7H, Para 0033, Para 0050-0052, People Finder); inviting the one or more identified invitees (Fig.7A-7H, Para 0053, invitation); and receiving an indication from one or more invitees that the invitee wishes to join the community (Claim 13 and 14).

4. Claims 2-7, 9-14, and 16-20 stand rejected for the same reasons as above. The Appellant has further indicated that these dependent claims stand or fall together with independent claims 1, 8, and 15 respectively .

(10) Response to Argument

1. The Appellant has made the argument that the sited prior art fails to teach or suggest receiving an indication from one or more invitees that the invitee wishes to join the community.
2. However, Hatscher does disclose notifying people about the community (Para 0053, Invitation) and requesting the potential members to subscribe if they want to receive community information (Fig.7G); therefore, the subscription of new members would be an indication of user's wish to join a community.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

March 13, 2009

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